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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/630,915

07/31/2003

Gunter Kuechler

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EXAMINER

WONG, EDNA

ART UNIT

PAPER NUMBER

1795

MAIL DATE

DELIVERY MODE

01/30/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/630,915

Applicant(s)

KUECHLER, GUNTER

Examiner

Edna Wong

Art Unit

1795

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,12,14,16,17,31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,12,14,16,17,31 and 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 16, 2008 has been entered.

This is in response to the Amendment dated January 16, 2008. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.

***Response to Arguments***

**Claim Rejections - 35 USC § 112**

I. Claims **1, 12, 14 and 16-17** have been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

With regards to claim 1, lines 5 and 12-13; and claim 16, lines 3-4, the rejection under 35 U.S.C. 112, first paragraph, has been withdrawn in view of Applicant's

amendment.

With regards to claim 1, line 3, the rejection under 35 U.S.C. 112, first paragraph, is as applied in the Office Action dated October 16, 2007 and incorporated herein. The rejection has been maintained for the following reasons:

Claim 1

line 2, recites "a metallic strip".

Applicant states that a strip which is made of metal is clearly "metallic" which is all that is required in order to support the claim in question.

In response, the claimed metallic strip reads on graphite. Graphite is metallic and is not a metal. The written description discloses a metal strip (page 2, [0006]; and page 4, [0013]). One of ordinary skill in the art would not reasonably convey that a strip made of a metallic non-metal is clearly a metal.

**II.** Claims 1, 12, 14 and 16-17 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regards to claim 1, lines 12-13; claim 12, line 2; claim 16, lines 2-3; and claim 17, line 2, the rejection under 35 U.S.C. 112, second paragraph, has been withdrawn in view of Applicant's amendment.

With regards to claim 12, lines 2-3, the rejection under 35 U.S.C. 112, second paragraph, is as applied in the Office Action dated October 16, 2007 and incorporated

herein. The rejection has been maintained for the following reasons:

Claim 12

lines 2-4, recite "wherein the **connector comprises a material** selected from the group consisting of a precious metal and a conductive material with a precious-metal coating".

Applicant states that, for example, if Claim 1 itself recited that the solar cell connector is made of a particular material, presumably no one would question the proposition that it is clear and definite.

In response, the body of claim 1 does not recite any "material". Thus, the claim reads on the metallic strip and the connector material as being two separate and independent elements of the solar cell.

One of ordinary skill in the art is not required to read that the connector material is limiting or further limiting the metallic strip in any way.

It is well settled that unpatented claims are given the broadest, most reasonable interpretation and that limitations are not read into the claims without a proper claim basis therefor. *In re Prater* 415 F. 2d 1393, 162 USPQ 541 (CCPA 1969); *In re Zeltz* 893 F. 2d 319, 13 USPQ 1320.

Thus, it is still unclear what is the relationship between the metal strip (from claim 1, line 2) and a precious metal and a conductive material with a precious-metal coating (from claim 12, lines 3-4). Such omission amounting to a gap between the necessary

structural connections.

Claim Rejections - 35 USC § 102/103

Claims **1 and 17** have been rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over **Webb et al.** (US Patent No. 3,422,213).

The rejection of claims 1 and 17 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Webb et al. is as applied in the Office Action dated October 16, 2007 and incorporated herein. The rejection has been maintained for the following reasons:

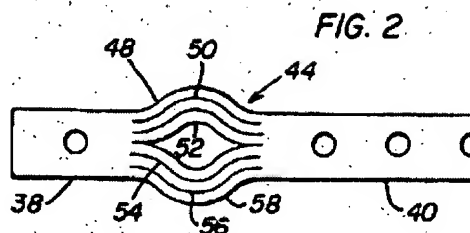
Applicant states that the **central opening** is clearly not round, oval or polygonal, as recited in Claim 1.

In response, claim 1, lines 9-11, recite that "said central opening is intermediate said first and second connection areas, and is delimited by a surrounding marginal area of said metallic strip".

Claim 1, lines 12-13, recite "the marginal area is one of round, oval, and polygonal".

The surrounding marginal area of the metallic strip is not the central opening. The surrounding marginal area is the metallic strip that surrounds or delimits the central opening. The metallic strip that surrounds or delimits the central opening disclosed by

Webb is round or oval (see bulge part):



(Fig. 2).

#### Claim Rejections - 35 USC § 103

Claim 12, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Webb et al.** (US Patent No. 3,422,213) as applied to claims 1 and 17 above, and further in view of **Pollard** (US Patent No. 6,034,322).

The rejection of claims 12, 14 and 16 under 35 U.S.C. 103(a) as being unpatentable over Webb et al. as applied to claims 1 and 17 above, and further in view of Pollard is as applied in the Office Action dated October 16, 2007 and incorporated herein. The rejection has been maintained for the reasons as discussed above.

Applicants' remarks have been fully considered but they are not deemed to be persuasive.

#### ***Response to Amendment***

#### ***Claim Rejections - 35 USC § 112***

I. Claims 1, 12, 14, 16-17 and 31-32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s)

contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1

lines 12-13, recite "the marginal area is one of round, oval, and polygonal".

Applicant's specification, pages 1-9, does not mention wherein the marginal area is one of round, oval, and polygonal. Thus, there is insufficient written description to inform a skilled artisan that applicant was in possession of the claimed invention as a whole at the time the application was filed.

However, there is sufficient written description for wherein the marginal area is frame-shaped round, oval and polygonal (page 4, [0010] to [0011]).

The Examiner has carefully considered the entire specification as originally filed, however, there is found no literal support in the specification for the newly added limitations in amended claim 1. Applicants have not provided the page number and line numbers from the specification as to where the newly added limitations are coming from. *Ex parte Grasselli*, 231 USPQ 393 (Bd. App. 1983) *aff'd mem.* 738 F.2d 453 (Fed. Cir. 1984).

II. Claims 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.



Claim 16

line 2, "the conductive material of the connector" lacks antecedent basis.

***Claim Rejections - 35 USC § 102/103***

Claims **31 and 32** are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over **Webb et al.** (US Patent No. 3,422,213) as applied to claims 1 and 17 above.

Webb is as applied above and incorporated herein.

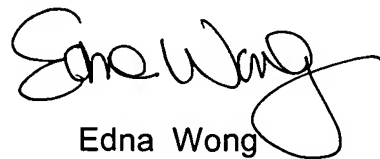
Webb also teaches wherein the marginal area of said metallic strip is formed as a single monolithic portion of said metallic strip (= carved from a single piece of material) [col. 3, lines 6-12; and Fig. 2].

Web also teaches wherein said tabs (= first section, second section and third section) project substantially normal to said marginal area of said metallic strip (= a T-connector) [col. 3, lines 1-5; col. 3, lines 50-52; and Fig. 1].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edna Wong whose telephone number is (571) 272-1349. The examiner can normally be reached on Mon-Fri 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Edna Wong", with a stylized flourish at the end.

Edna Wong  
Primary Examiner  
Art Unit 1795

EW  
January 26, 2008